

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**T.K. PARTHASARATHY, et al.,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

vs.

**T. ROWE PRICE INTERNATIONAL
FUNDS, INC., a Corporation, et al.,**

Defendants.

**Case No. 06-cv-943-DRH
Consolidated with Case No. 06-cv-1008-DRH**

ORDER

HERNDON, District Judge:

This matter is before the Court on the motion for remand to state court based on procedural defects in removal brought by Plaintiffs T.K. Parthasarathy, Edmund Woodbury, Stuart Allen Smith, and Sharon Smith (Doc. 9), Plaintiffs' motion for remand to state court for lack of federal subject matter jurisdiction (Doc. 23), the motion to dismiss brought by Defendants Artisan Funds, Inc., and Artisan Partners Limited Partnership (Doc. 16), the motion to dismiss brought by Defendants T. Rowe Price International Funds, Inc., T. Rowe Price International, Inc., AIM International Funds, Inc., and AIM Advisors, Inc. (Doc. 19), and Defendants' motion for oral argument on the foregoing motions (Doc. 32). On May 24, 2007, the Court stayed these proceedings pending resolution of appeals from orders granting remand entered in *Dudley v. Putnam Investment Funds*, Case No. 06-cv-940-GPM (S.D. Ill. filed Nov. 14, 2006), and *Potter v. Janus Investment Fund*, Case No. 06-cv-929-DRH, Case No. 06-cv-997-DRH (S.D. Ill. filed Nov. 13, 2006), and from an order of dismissal in *Spurgeon v. Pacific Life Insurance Co.*, Case No. 06-cv-983-MJR, Case

No. 06-cv-925-MJR (S.D. Ill. filed Nov. 28, 2006). *See Parthasarathy v. T. Rowe Price Int'l Funds, Inc.*, Nos. 06-cv-943-DRH, 06-cv-1008-DRH, 2007 WL 1532104 (S.D. Ill. May 24, 2007). Those appeals now have been resolved. *See In re Mutual Fund Market-Timing Litig.*, Nos. 07-1695, 07-2244, 07-2053, 07-2142, 2007 WL 2012390 (7th Cir. July 13, 2007). Accordingly, the stay is **LIFTED**. Having reviewed the record carefully, the Court concludes that oral argument will not be helpful in this matter, and therefore Defendants' motion for oral argument is **DENIED**. Plaintiffs' motion for remand based on lack of subject matter jurisdiction is **DENIED**. *See Potter v. Janus Inv. Fund*, 483 F. Supp. 2d 692, 695-703 (S.D. Ill. 2007). Plaintiffs' motion for remand based on procedural defects in removal is **GRANTED**. *See Dudley v. Putnam Inv. Funds*, 472 F. Supp. 2d 1102, 1107-13 (S.D. Ill. 2007). Pursuant to 28 U.S.C. § 1447(c) this matter is **REMANDED** to the Circuit Court of the Third Judicial Circuit, Madison County, Illinois, by reason of untimeliness of removal. Defendants' motions to dismiss are **DENIED as moot**.

IT IS SO ORDERED.

Signed this 17th day of July, 2007.

/s/ David RHerndon
United States District Judge